

RESPONSE REMARKS

CLAIM REJECTIONS UNDER §103(a)

In the Office Action, Claims 1-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gawlik et al. (U.S. Patent No. 4,807,837; "Gawlik") in view of McGaha (U.S. Patent No. 4,114,273, "McGaha") and further in view of Eidem (U.S. Patent No. 4,832,294; "Eidem").

RESPONSIVE REMARKS REGARDING CLAIM REJECTIONS UNDER §103(a)

The rejections have been carefully considered. Independent Claims 1, 8, 9 and 16 and dependent Claim 7 have been amended to more distinctly claim the claimed invention; Claim 6 has been cancelled. For the reasons given below, it is respectfully asserted that amended Independent Claims 1, 8, 9 and 16, and therefore the Claims dependent on them (namely, Claims 2-5, 7, 10-15 and 17-22), are patentably distinct from all of the references of record, even when combined.

In rejecting Claims 1-22, the Office Action cited McGaha Figures 1, 2 and 6, and stated that "McGaha discloses a lockable extension-retraction tube-winding device" As indicated in, e.g., its Figure 2, McGaha discloses a "... selectively operable extending and retracting mechanism, generally indicated at 30 ..." McGaha, col. 5, lines 38-40. McGaha discloses that the extending and retracting mechanism 30 "... is responsive to movement of the respective handpiece instrument 20 and connected hose 21 from the retracted position to a desired extended position ..." McGaha, col. 5, lines 39-42. McGaha further discloses that "[e]ach of these extending and retracting mechanisms 30 include a moveable pulley 32 positioned for receiving an intermediate portion of... [a] flexible hose 21 which is disposed in a generally U-shaped configuration [around the moveable pulley 32]." McGaha, col. 5, lines 49-53.

As compared to a U-shaped configuration of an intermediate portion of a flexible hose as disclosed in McGaha, the amended Claims recite an extension-retraction device (Claim 1), or a tubing extension-retraction device (Claim 8), or tube-winding device (Claims 9 and 16) adapted for winding (and unwinding) a coil of a portion of medical fluid tubing around: a portion of an extension-retraction device (Claim 1); a

portion of an extension and retraction means in order to retract (Claim 8); or a portion of a tube-winding device (Claims 9 and 16), as the case may be.

It is respectfully submitted that the flexible hose 21 of *McGaha* is not wound around the *McGaha* extending and retracting mechanism. Rather, in *McGaha*, "... a cable 38" is wound around "a rotatable reel 36." *McGaha*, col. 5, lines 61-64. It is respectfully submitted that the wound cable is used in *McGaha* in extending and retracting the flexible hose 21. See, e.g., *McGaha*, col. 5, line 61 – col. 6, line 7.

As compared to the limitations of the amended Claims of the present application, it is respectfully submitted that the wound cable (element 36) of *McGaha* is not capable of transporting medical fluids. Further, it is respectfully submitted that *McGaha* does not disclose winding flexible tubing in a coil around any portion of the *McGaha* extending and retracting mechanism.

It is respectfully asserted that various embodiments of the combination of the winding and unwinding of medical fluid tubing around a tube-winding/tube extension-retraction device, with a telescoping or collapsible pole, as recited in one way or another in each of amended independent Claims 1, 8, 9, and 16, would be useful over the references of record, in a manner as explained in the Specification of the present application (the "Specification") with respect to an exemplary embodiment, as follows:

... tube winding/retraction device 8 would be provided to allow extension or retraction of tubing 9 – when telescoping pole 3 is fully extended, and/or when the carry case 12 is placed in a stationary position, such as on the ground next to a patient in a chair, tube winding/retraction device 8 would be used to unwind (extend) the tubing 9; when telescoping pole is fully collapsed, such as when the patient is carrying the carrying case 12, tube winding/retraction device 8 would be used to wind (retract) the tubing so that as much of it as possible would be concealed inside the carrying case 12.

Specification, p. 8, line 26 – p. 9, line 2.

Providing tube-winding/retraction device 8 would allow a patient to adjust the length of the IV tubing 9 to suit the patient's needs. For example, the IV tubing 9 could be retracted to a short length when the patient is carrying the carrying case 12 with the telescoping pole 3 in a collapsed state, such as is depicted, e.g., in FIG. 2. When the patient is sitting with, e.g., the carrying case 12 on the ground and extends telescoping pole 3, the patient would release the locking button 11 by pressing release button 30 so that the IV tubing 9 could be extended.

Specification, p. 12, lines 2-9.

It is respectfully asserted that the above-mentioned distinctions between amended Claims 1, 8, 9 and 16 of the present application (and therefore, between the Claims that are dependent on them) and the references of record are patentable. Therefore, it is respectfully asserted that Claims 1-5 and 7-22 are in condition for allowance.

CONCLUSION

In view of the foregoing amendments, and for the foregoing reasons, it is respectfully submitted that the invention disclosed and claimed in the amended Claims of the present amended application is not fairly taught by any of the references of record, taken either alone or in combination, and that the application is in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and allowance of Claims 1-5 and 7-22.

Respectfully submitted,

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